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Human Genome Science Inc.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, Maryland 20850

In re Application of
Ruben et al.
Application No. 09/880,748
Filed: June 15, 2001
Attorney Docket No. PF523P1

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: **DECISION GRANTING PETITION**
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This decision is in response to Applicants' "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" timely filed on March 20, 2006 requesting that the Office adjust the PTA determination at the time of the mailing of the notice of issuance from a determination of 354 days to a determination of either 374 or 428 days.

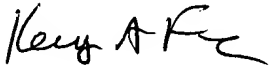
Applicants application for PTA is **GRANTED..** The Office will adjust the PTA calculation at the time of the mailing of the notice of allowance to adjust this determination to reflect this decision. The proper amount of PTA at the time of the mailing of the notice of allowance is **374 days.**

Applicants analysis is very thorough and detailed. The Office thanks applicants for their review of such PTA determination. Applicants arguments and facts are accurate. Accordingly, the overall office delay is 614 days as asserted by applicant. As for applicant delay, the office believes the proper amount of delay is 240 days. The applicants addressed the submission of the September 27, 2005 paper as a reduction under 37 CFR 1.704(c)(8) but the reduction is pursuant to 1.704(b). The amendment after final on August 4, 2005 did not place the case in condition for allowance so the three-month clock continued until the submission on September 27, 2005 that placed the case in condition for allowance. The delay was the same 54 days as asserted by applicant but the rationale was because of 1.704(b) rather than 1.704(c)(8). Accordingly the correct amount of PTA at the time of the mailing of the notice of allowance is 374 days (614-240=374).

After the mailing of this decision, the Office will forward this patented file to the Office of Patent Publications for a prompt issuance of the patent. The Office notes that any Office failure to meet the requirements of 37 CFR 1.702(a)(4) and 1.702(b) will be additionally added to the present determination and provided notice of such change in the issue notification letter that is mailed to applicants approximately three weeks prior to the issue date of the patent. Any delays by applicant pursuant to 37 CFR 1.704(c)(10) will reduce the amount determined at the notice of allowance and be reflected in the same issue notification letter.

The Office has assessed the \$200.00 fee. No additional fees are required in this deciding this application.

Any questions concerning this decision should be directed to Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy, at 571-272-7757.

A handwritten signature in black ink, appearing to read "Kery Fries", with a stylized flourish at the end.

Kery Fries
Senior Legal
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

cc: adjusted Pair calculation